

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,

Plaintiff/Counter-
Defendant,

v.

C.A. No. 04-901-JJF

ILLUMINA, INC.,

REDACTED VERSION

Defendant/Counter-
Plaintiff.

**DECLARATION OF BARRY BELKIN IN SUPPORT OF
AFFYMETRIX, INC.'S ANSWER TO ILLUMINA'S
SUPPLEMENTAL BRIEF RE MOTION TO DISMISS COUNT 2**

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DISMISS COUNT 2**

I, Barry Belkin, declare as follows:

1. I am President of Daniel H. Wagner Associates ("Wagner"). I have personal knowledge of all the facts contained in this declaration and, if called upon to do so, would and could testify competently thereto.

REDACTED

3. I am informed that Affymetrix, Inc., Affymax's successor-in-interest, alleges that Illumina, Inc. infringes certain claims from U.S. Patent 5,795,716 (the "'716 patent") in the present litigation. I understand that Illumina has asserted that Wagner has certain rights to the '716 patent.

REDACTED

I declare under penalty of perjury of the laws of the United States of America that
the foregoing is true and correct. Executed July 7, 2006, in Malvern, Pennsylvania.


Barry Belkin

Barry Belkin

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2006, I electronically filed the foregoing document using CM/ECF which will send notification of such filing(s) to the following:

Richard K. Herrmann
Morris, James, Hitchens & Williams LLP

I also certify that copies were caused to be served on August 1, 2006 upon the following in the manner indicated:

BY HAND

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